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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,700	12/29/2000	Anthony Edward Stuart	PU000189	9409

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EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,700

Applicant(s)

STUART, ANTHONY EDWARD

Examiner

Johnny Ma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-16, and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-11, 12-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (US 2005/0028207 A1) in further view of Rector, JR. et al. (US 2004/0168186 A1).

As to claim 1, note the Finseth et al. reference that discloses a timeline for rapidly advancing an electronic program guide. The claimed producing a signal suitable for display on a display device a time line having notches representing discrete predefined time slots thereon delineating days in the future from a current day to which a marker can be moved" is met by "[d]ay indicators 104 indicate the day for which program information is presently being displayed. In FIG. 4, day indicators 104 indicate that the displayed guide information is for Wednesday. Jump button 100 allows users to skip to program information for a different day than that presently displayed" (Finseth [0067]). The claimed "moving the marker using navigation buttons of a remote control device to a notch delineating a desired day in the future" is met by "[u]sers select a particular channel to watch on television 66 using remote control

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86...Channels are preferably selected using remote control 86 to navigate around an electronic television program guide, such as program guide 88A shown in FIG. 4, which is generated by receiver 64 and displayed on television 66” (Finseth [0064]) wherein the day indicators may be moved to a notch delineating a desired day (Finseth [0067]). The claimed thereby causing to be displayed in a time window displayed on the display device a time period displaying indicia for programs to be broadcast during the time period on said desired day is met by “jump button 100 allows users to skip to program information for a different day than that presently displayed” (Finseth [0067]). Note that the Finseth et al. reference discloses a time line delineating days. However, the Finseth et al. reference is silent as to a timeline delineating time. Now note the Rector, JR. et al. reference that discloses a EPG time line delineating times (see Figure 3, “80, 84, 82”) wherein “[s]croll buttons 80 and 82 and positioning button 84 may be used to move among the various time lots in grid 60 (Rector [0042]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Finseth et al. time line delineating days with the Rector, JR. et al. timeline delineating times for the purpose of providing a time line to a user for convenient selection of time and day information for display.

As to claim 2, the claimed “wherein the notches delineate times that are hours, days, weeks, or months in the future from the current day and time” is met by day notches delineating days as illustrated in Figure 4.

As to claim 3, the claimed “further comprising the step of moving the time window to view desired program indicia” is met by the Finseth et al. and Rector, JR. et al. combination, as

discussed in the rejection of claim 1, teaching the selection of various time windows for display to a user.

As to claim 4, the claimed “further comprising the step of moving the time window in one-half hour increments” is met by the Finseth et al. and Rector, JR. et al. combination, as discussed in the rejection of claims 1 and 3, teaching a time line comprising days and time to move in the various time slots in the grid wherein the time slots are divided into 30 minute increments as illustrated in Figure 4 (Finseth).

As to claim 5, the claimed “wherein the marker can be selectively moved forward and backward in time” is met by the Finseth et al. and Rector, JR. et al. combination, as discussed in the rejection of claims 1 and 3, teaching a time line comprising days and time to move, forwards “82” and backwards “80” (Rector, see Figure 3), in the various time slots in the grid

As to claim 8, note the Finseth et al. reference that discloses a timeline for rapidly advancing an electronic program guide. The claimed producing a signal suitable for display on a display device a time line having notches representing discrete predefined time slots thereon delineating days in the future from a current day to which a marker can be moved and “displaying on the display device a time window defining a first time period on the current day, wherein the time window displays indicia for programs broadcast during the first time period of the current day” are met by “[d]ay indicators 104 indicate the day for which program information is presently being displayed. In FIG. 4, day indicators 104 indicate that the displayed guide information is for Wednesday. Jump button 100 allows users to skip to program information for a different day than that presently displayed” (Finseth [0067]). The claimed moving the marker using navigation buttons of a remote control device to a notch delineating a desired day in the

future is met by “[u]sers select a particular channel to watch on television 66 using remote control 86... Channels are preferably selected using remote control 86 to navigate around an electronic television program guide, such as program guide 88A shown in FIG. 4, which is generated by receiver 64 and displayed on television 66” (Finseth [0064]) wherein the day indicators may be moved to a notch delineating a desired day (Finseth [0067]).

The claimed thereby causing to be displayed in the time window a second time period displaying indicia for programs to be broadcast during the second time period on said desired day is met by “jump button 100 allows users to skip to program information for a different day than that presently displayed” (Finseth [0067]). Note that the Finseth et al. reference discloses a time line delineating days. However, the Finseth et al. reference is silent as to a timeline delineating time. Now note the Rector, JR. et al. reference that discloses a EPG time line delineating times (see Figure 3, “80, 84, 82”) wherein “[s]croll buttons 80 and 82 and positioning button 84 may be used to move among the various time lots in grid 60 (Rector [0042]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Finseth et al. time line delineating days with the Rector, JR. et al. timeline delineating times for the purpose of providing a time line to a user for convenient selection of time and day information for display.

As to claim 9, the claimed “wherein the second time period is for a period of time on a different day than the first time period” is met by “jump button 100 allows users to skip to program information for a different day than that presently displayed” (Finseth [0067]).

As to claim 10, the claimed “wherein the second time period overlaps the first time period” is met by the Finseth et al. and Rector, JR. et al. combination, as discussed in the

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rejection of claim 8, teaching a time line comprising days and time to move in the various time slots in the grid wherein the time slots are divided into 30 minute increments as illustrated in Figure 4 (Finseth). Note that by incrementing the time frame by 30 minutes, the new time frame overlaps the previous time frame.

As to claim 11, the claimed “wherein the first and second time periods are successive time periods” is met by that discussed in the rejection of claim 8 wherein a user may access any time frame of program guide information which inherently includes successive time periods.

As to claims 12-15, please see rejections of claims 1-2 and 4-5 respectively.

As to claims 18-21, please see rejections of claims 8-11 respectively.

4. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (US 2005/0028207 A1) in further view of Rector, JR. et al. (US 2004/0168186 A1) and Schlarb et al. (US 6,664,984 B2).

As to claim 6, the claimed “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast.” Note the Finseth et al. and Rector, JR. et al. combination teaches selectively moving the marker backwards to display programming. However, the Finseth et al. and Rector, JR. et al. combination does not specifically disclose “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast.” Now note the Schlarb et al. reference that discloses a method and system for identification of pay-per-view programming. The claimed “wherein the marker can be selectively moved backwards in time to display indicia for programs that were already broadcast” is met by “[t]he subscriber, depending on the television system, can scroll up or down through the hundreds of channels and forwards or backwards through several

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days or weeks of program information” (Schlarb 1:59-65). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Finseth et al. and Rector, Jr. et al. combination with the Schlarb et al. navigating backwards through several days or weeks of program information for the purpose of providing a user the option to verify whether he/she had missed any programming and/or to determine missed programming that he/she may want to locate a repeat showing at a later time.

As to claim 16, please see rejection of claim 6.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Rauch et al. reference (US 5,731,844) discloses a television scheduling system for displaying a grid representing scheduled layout and selecting a programming parameter for display or recording.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm


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